

REMARKS

Claims 1-20 remain pending in this application.

The Examiner rejected claims 1-20 under 35 U.S.C. § 112, first paragraph, as failing to comply with the enablement requirement. Applicants respectfully traverse this rejection. The Examiner stated that the language "to select a second radio frequency during a time period within the first frame" are not supported by the specification. Applicants respectfully disagree. This language and all other subject matter called for by claims of the present invention are fully supported by the specification and drawings. Applicants respectfully assert that the language "to select a second radio frequency during a time period within the first frame" is supported by the drawings and specification of the present application. For example, on page 12, lines 5-11, discloses that a base unit transmitter is capable of transmitting to the remote unit receiver 210 on a first frequency in a first frame 310. The controller 220 tunes the VCO 282 in the base unit receiver 210 to receive a second frequency 315, which occurs during the frame 310, which is the first frame. Therefore, a second frequency during a first frame is disclosed. *See, Figure 3 and page 12, lines 5-11, of the Specification.* Additionally, the Specification discloses that the remote unit transmitter 205 transmits signals to the base unit receiver 210 over the second frequency that was selected during the first frame 310. *See, page 12, lines 17-18.* These passages are examples of how all of the elements of the claims of the present invention are supported by the specification. The Examiner's assertion regarding Figure 4 wherein the selecting a second radio frequency performs during a time period within the second time frame B, instead of time frame A are examples. As illustrated in Figure 3 and the specification, the second frequency can be implemented during the first time frame. Therefore, Applicants

respectfully assert that the subject matter called for by claims of the present invention are supported by the Specification and respectfully request that the Examiner withdraw the rejection under 35 U.S.C. § 112, first paragraph. Therefore claims 1 and 11 are allowable for at least the reasons cited above.

Independent claims 1 and 11 are allowable for at least the reasons cited above. Additionally, dependent claims 2-10 and 12-20, which depend from independent claims 1 and 11, respectively, are also allowable for at least the reasons cited above.

The Examiner rejected claims 1-19 under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 5,966,665 (*Taki*) in view of U.S. Patent No. 4,654,859 (*Kung*). Applicants respectfully traverse this rejection.

In the Office Action dated April 1, 2004, the Examiner asserted that *Taki* discloses transmitting transmission between a first and second communications unit, which each comprises a controller to said communication over a plurality of radio frequencies, but stated that *Taki* does not specify a VCO. Applicants respectfully assert that *Taki* does not disclose selecting a second frequency by multiplying the initial frequency during a time period within the first time frame and subsequently performing communication in a second time frame as called for by claims 1 and 11 of the present invention. The disclosure of *Kung* does not make up for this deficit. The Examiner cites column 2, line 45-54, to read upon selecting a second frequency during a time period within the first time frame by specifically indicating that the hop frequency of *Taki* is generated during each frame where during a time period within the frames select the radio frequency. However, this does not disclose or make obvious the multiplying of the initial

frequency by a frequency multiplier to select the second frequency during a time period within the first time frame. The hop number of *Taki* is merely used as an index parameter to read hop frequency from a hopping table. However, *Taki* does not disclose or make obvious selecting an initial frequency using the VCO and then multiplying the initial frequency during the time period within the first frame as called for by claim 1 of the present invention.

Adding the disclosure of *Kung* does not make up for the elements that are not disclosed or made obvious by *Taki* but are called for by claims 1 and 11 of the present invention. *Kung* discloses dividing a VCO output by a factor of M. *Kung* does not disclose multiplying a VCO output. Therefore, *Kung* actually teaches away from multiplying the initial frequency. Therefore, *Kung* actually teaches away from the disclosure of claims of the present invention.

Taki does not disclose selecting a first time frame, selecting an initial frequency using a VCO, and multiplying the initial frequency by a frequency multiplier to select a second frequency during a time period within the first time frame, as called for by claims 1 and 11. Furthermore, *Taki* does not disclose selecting an initial frequency using a VCO, as called for by claims 1 and 11 and fully supported by the Specification. This deficit of *Taki* is not made up for by *Kung*.

Taki discloses a hopping counter (34) that is incremented one value every time a new frequency hop phase is entered. When the value of the hopping counter reaches a predetermined maximum value, the hop number is reset to zero. The hop number of *Taki* is used as an index parameter to read hop frequency data from a hopping table 36, and the hop frequency data is output as an output signal (note col. 6, lines 26-32). However, *Taki*'s system fails to teach selecting an initial frequency by a voltage controlled oscillator (VCO) of the first and second

communication units and multiplying the initial frequency by a frequency multiplier to select a second radio frequency during a time period within the first time frame as defined by the independent claims of the present invention.

The Examiner uses *Kung* to provide a VCO and a frequency multiplier and states in the Advisory Action that the structure of the frequency multiplier is well known to the person in the art. However, merely adding the disclosure of a VCO and a frequency multiplier to *Taki* does not provide selecting an initial frequency using a VCO (as called for by claims 1 and 11), nor does the combination (of *Taki* and *Kung*) provide selecting a second frequency by multiplying the initial frequency during a time period within the first time frame, and subsequently performing communications in a second time frame, as called for by claims 1 and 11. In other words, *Taki* is missing more than the elements of a VCO and frequency multiplication, therefore, adding the disclosure of *Kung* would not make up for this deficit.

Kung does not provide the selecting and initial frequency using a VCO. *Kung* also does not provide a second frequency by multiplying the initial frequency during a time period within the first frame. *Kung* discloses a channel hopping system that provides a VCO output that is divided (not multiplied) by factor (M) to produce an input reference frequency for a phase locked loop (see col. 3, lines 28-34, Figure 1). The mere mention of multiplying a frequency in *Kung* does not disclose multiplying an initial frequency to produce a second frequency during a first time frame, as called for by claims 1 and 11. Therefore, contrary to the Examiner's assertions in the Advisory Action, *Kung* teaches away from the multiplying of the initial frequency, as called for by claims 1 and 11. Neither *Taki*, *Kung*, nor their combination, disclose, teach, or make obvious selecting an initial frequency using a VCO, nor does the combination provide selecting a

second frequency by multiplying the initial frequency during a time period within the first time frame, and subsequently performing communications in a second time frame, as called for by claims 1 and 11. Therefore, *Taki*, *Kung*, nor their combination disclose or make obvious all of the elements of claims 1 and 11 for at least the reasons cited above.

Independent claims 1 and 11 are allowable for at least the reasons cited above. Additionally, dependent claims 2-10 and 12-19, which depend from independent claims 1 and 11, respectively, are also allowable for at least the reasons cited above.

The Examiner rejected claim 20 under 35 U.S.C. § 103(a) as being unpatentable over *Taki* in view of U.S. Patent No. 5,590,410 (*Deutsch*). Applicants respectfully traverse this rejection.

Contrary to the Examiner's assertions in the Office Action dated April 4, 2004, Applicants respectfully submit that claim 20, which either directly or indirectly depends from independent claim 11 of the present invention, is not disclosed or made obvious by *Taki*, *Deutsch*, nor their combination. As described above, *Taki* does not disclose selecting a second frequency by multiplying the initial frequency during a time period within the first time frame, and subsequently performing communications in a second time frame, as called for by claim 11. Additionally, as described above, *Kung* does not provide these elements in claim 11 (and therefore, in claim 20 due to its dependency to claim 11) that are not provided by *Taki*. Adding the disclosure of *Deutsch*, which the Examiner cites for providing an external telephone circuit as the PSTN, does not make up for this deficit. In other words, even adding the disclosures of *Kung* and *Deutsch* to *Taki* would still not provide all of the elements of claim 20. Therefore, for at least the reasons cited above, claim 20 is allowable.

Claim 20 is allowable for at least the reasons cited above.

Reconsideration of the present application is respectfully requested.

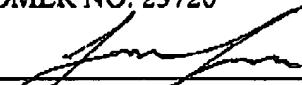
In light of the arguments presented above, Applicants respectfully assert that claims 1-20 are allowable. In light of the arguments presented above, a Notice of Allowance is respectfully solicited.

If for any reason the Examiner finds the application other than in condition for allowance, the undersigned attorney (at the Houston, Texas telephone number (713) 934-4069) hereby requests an interview with the Examiner to discuss the steps necessary for placing the application in condition for allowance.

Respectfully submitted,

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